

Notice of Allowability

Application No.

09/966,361

Examiner

J. Allen Shriver

Applicant(s)

SILBER ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/28/2004.
2. ☒ The allowed claim(s) is/are 5,19,22,24,27 and 29.
3. ☒ The drawings filed on 01 October 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 28, 2004 has been entered.

Applicant's submitted amendment received on January 29, 2004 cancelled claims 1-4, 6-18, 20-21, 23, 25-26, 28 and 30 and amended claims 5, 19 and 24.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Neblett on April 26, 2004.

The application has been amended as follows:

IN THE CLAIMS:

In claim 24, line 1, the word "at" has been replaced with the word --on-- for clarity.

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In claim 29, line 2, the word “using” has been replaced with the phrase --which comprises utilizing the-- in order to correct the Use claim rejection as set forth in MPEP 2173.05(q).

Allowable Subject Matter

3. Claims 5, 19, 22, 24, 27 and 29 are allowed over the prior art.

4. The following is an examiner’s statement of reasons for allowance: In the Examiner’s opinion, a fastening arrangement for a module for the fastening of the module on a vehicle body, wherein fastening points of the module are constructed as a plurality of elongated openings extending in the same direction, wherein at least one of the elongated openings is open laterally and at least one flank (29) of the open elongated opening is constructed as an insertion aid (27), wherein the elongated openings are constructed at least partially as a curved path (25), wherein each elongated opening with a flank constructed as an insertion aid at its open end of its curved path has an opposite end directed upwards into a mounting position of the module against gravitational force, and wherein the curved paths are constructed such that a transverse movement of the module is achieved during the mounting operation, was not anticipated by the prior art, nor would it have been obvious to a person of ordinary skill in this art. The module can be initially guided transversely onto bolts affixed to the vehicle body, and moved along a path defined by the elongated openings (i.e., the openings define a movement path that is lateral to the mounting bolts’ longitudinal axis) until the module reaches the end of its openings, and rests on the bolts against the force of gravity. The benefits of this transverse vehicle module mounting approach are most evident where a module (radiator) must be installed in a confined area, such as an area between two body panels where there is no frontal access and no efficient way to

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directly place the module onto its mounting bolts and then hold it in position while simultaneously attempting to install its fasteners.

Examiner agrees with Applicant that the Kent reference ('579) is not an effective reference because its US filing date of September 27, 2001 is after the foreign priority date of the present invention, which is September 30, 2000. Additionally, the prior art did not teach a module (radiator) having fastening points with elongated openings that were open laterally with at least one flank constructed as insertion aid and a curved path to guide the transverse mounting of the module over the bolts attached to the vehicle body.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

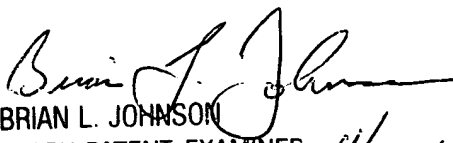
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Allen Shriver
Examiner
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JAS
JAS 4/26/04


BRIAN L. JOHNSON
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4/27/04